

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

CARLA DAVIS

Plaintiff

v.

RACETRAC PETROLEUM, INC.

Defendant.

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CIVIL ACTION

NO. _____

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

RaceTrac Petroleum, Inc. ("RaceTrac"), the Defendant herein, respectfully submits the following notice of removal.

I.

RaceTrac is the Defendant in litigation now pending in the 48th Judicial District Court of Tarrant County, Texas, Cause No. 048-324213-21, styled "*Carla Davis v. RaceTrac Petroleum, Inc.*" The suit filed against RaceTrac is a civil action seeking damages for alleged personal injuries arising from an alleged trip-and-fall incident on premises owned and operated by Defendant in Azle, Tarrant County, Texas.

II.

Both at the time of the filing of Plaintiff's Original Petition and at the time of the filing of this Notice of Removal, Plaintiff was, is, and continuously has been an individual citizen of the State of Texas with her place of residence in the State of Texas. Both at the time of filing Plaintiff's Original Petition and at the time of the filing of this Notice of Removal, Defendant RaceTrac was, is, and continuously has been a corporation organized and existing under the laws

of the State of Georgia and having its principal place of business in the State of Georgia. Thus, Defendant is a corporate citizen of the state of Georgia. There is, therefore, complete diversity of citizenship between the parties.

III.

The amount in controversy in this matter, exclusive of interest and costs, exceeds the sum or value of \$75,000, as evidenced by the allegation on page 1 of Plaintiff's Original Petition, where Plaintiff expressly alleges that "the monetary relief sought is more than \$250,000 but not more than \$1,000,000.00."

In addition, Plaintiff alleges on page 4 of her Petition that "Plaintiff be awarded a final judgment against Defendant for the following:

- a. All reasonable and necessary past medical expenses;
- b. A sum for future medical expenses and treatment;
- c. Monetary damages for past physical pain and suffering and mental anguish in an amount to be established at trial;
- d. Monetary damages for future physical pain and suffering and mental anguish;
- e. Past and future physical impairment as determined by a jury;
- f. Past and future disfigurement; [and court costs and pre-judgment interest, etc.]"

Defendant submits, therefore, that it is apparent on the face of Plaintiff's Original Petition that the amount in controversy exceeds the sum or value of the jurisdictional threshold of \$75,000.

IV.

This Court has jurisdiction and this action is properly removable based upon diversity of citizenship under 28 U.S.C. §1332, et seq. Pursuant to 28 U.S.C. § 1664, RaceTrac has removed this action to this Court within the time specified by law.

V.

Pursuant to Local Rule 81.1, attached hereto are (1) an index of all attached documents, (2) a certified copy of the Docket Sheet in the State Court action, and (3) all pleadings (excluding discovery material) filed in the State Court action, Cause No. 048-324213-21, in the 48th District Court of Tarrant County, Texas.

PRAYER FOR RELIEF

Wherefore, premises considered, RaceTrac Petroleum, Inc. prays that the action now pending in the 48th Judicial District Court of Tarrant County, Texas be removed to this, the United States District Court for the Northern District of Texas, Fort Worth Division.

Respectfully submitted,

BY: 

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ATTORNEYS FOR DEFENDANT
RACETRAC PETROLEUM, INC.

CERTIFICATE OF SERVICE

On April 21, 2021, I electronically submitted the foregoing document with the clerk of court of the U.S. District Court, Northern District of Texas, using the electronic case files system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).



MICHAEL A. HUMMERT